

Hamilton County LAW LIBRARY

NEWS

Professional legal information, services, and education

July 2021

Supreme Court: Schools Are Limited in Regulation of Off-Campus Speech

By Jacob A. Manning and Jason S. Long, Dinsmore & Shohl

On Wednesday, June 23, 2021, the United States Supreme Court issued its decision in *Mahanoy Area School District v. B.L.*, a much-anticipated decision regarding schools' regulation of off-campus speech. The Court held that while schools may discipline students for some off-campus speech, their ability to do so is much more limited than for on-campus speech.

B.L. was a student at Mahanoy Area High School and cheered on the junior varsity team during her freshman year. When she did not make the varsity squad her sophomore year, B.L. posted a photo to Snapchat of her and a friend holding up their middle fingers and captioned the photo with multiple uncensored expletives. She posted a second message referring to cheerleading but not including profanity. Some of B.L.'s Snapchat friends shared the posts with the cheerleading coaches, who determined that B.L. violated team rules as well as school rules. B.L. was removed from the cheerleading team for her sophomore year but was told she could try out again before her junior year. She appealed within the school system, but her appeals were rejected.

B.L. filed a federal lawsuit alleging that her First Amendment rights were violated when she was disciplined for off-campus speech. The district court held in her favor, finding that even if the school could regulate off-campus speech, her messages were not sufficiently disruptive to permit the school to discipline her. The school district appealed to the U.S. Court of Appeals for the Third Circuit, which held that schools may not discipline students for off-campus speech unless the speech was not protected by the First Amendment (threats to the school or others, for example). The school district appealed to the U.S. Supreme Court.

The Court first disagreed with the Third Circuit that schools may never regulate off-campus speech. The Court said there may be situations (bullying, for example) that call for intervention by schools, and the computer-based learning environment makes it difficult to assess when on-campus speech becomes off-campus. The Court stated it could not predict all of the circumstances in which regulation of off-campus speech would be appropriate, and instead stated simply, *Cont. on p. 4*

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<http://lawlibrary.hamilton-co.org>

M-F 7am-4pm

Tech Tip: OSBA Greenbook goes truly green. by Julie Koehne, Systems Librarian

The paper copy of the Ohio State Bar Association Report "Greenbook" printed its last issue in June 2020. If you have an OSBA membership you may access the material online.

1. Visit [Ohiobar.org/my-dashboard](https://ohiobar.org/my-dashboard) and log in using your OSBA credentials.
2. Once you log in, you will find the "Quick Links" menu at the top of the page.



3. From the menu, select the "Greenbook" link.

To view past dates, select the arrows (circled in the screenshot below) located in the header of the report.



If you do not have an OSBA membership, here are a couple of places you can get the cases from as a replacement to the Greenbook.

You can get some of the pertinent cases summaries in the quarterly Ohio Lawyer magazine available in our HeinOnline database. As a law library subscriber, if you log into our website we have created a green button for quick access.

Law Library Remote Access

[Reserve a Room](#)
[Sign up for CLE](#)
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[Self Study CLE's](#)

[Quarterly OSBA GREENBOOK Summaries \(available in the last section of each Ohio Lawyer\) NEW as of Fall 2020 - Click Here to view](#)



Expand the latest issue.

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You may also access the cases from the Supreme Court of Ohio & the Ohio Judicial System website. You have the ability to search by Topics or Issues for all counties or narrow by Hamilton County or Supreme Court only.

Go to, <https://supremecourt.ohio.gov>.

supremecourt.ohio.gov/rod/docs/

"the leeway the First Amendment grants to schools in light of their special characteristics is diminished" with respect to off-campus speech.

With respect to B.L., the Court held that the school system had violated her First Amendment rights when it disciplined her for her speech. The Court noted that it was purely off-campus speech and did not even identify the school. If B.L. had been an adult, her speech clearly would be protected under the First Amendment. The Court also noted that the school system had failed to show any disruption in the learning environment.

So where does this leave school systems? The effect of this decision is that school systems should be careful when regulating any off-campus speech, but, there are still circumstances where it may be appropriate to do so. Speech that occurs during a school-sponsored event, during online learning, or that causes a disruption to the learning environment might still be appropriately disciplined, depending on the circumstances. Speech that occurs via social media on an evening or weekend and that has little connection to the school day might not meet that same standard. Schools must carefully assess the speech before determining whether discipline is appropriate.

Should you have any questions on this issue or others, please contact a member of Dinsmore & Shohl's [Education practice group](#).

Dinsmore

Law Library Board Meeting

The next quarterly meeting of the Hamilton County Law Library Resources Board will be held on Thursday, July 8, 2021 at 10:30am in the Robert S. Kraft Board Room. Meetings are open to the public.



Laptops Available

The Law Library has multiple computers available for subscriber use in our computer lab, but if you need a little more freedom, we also have laptops available for use in other spaces in the library. The laptops have Zoom capabilities, as well as research and word processing. To check out a laptop for in-library use, please see the reference staff and we'll get you set up!

Don't Forget: Page's Ohio Revised Code Annotated (and many other titles) now available online, from your home or office with your Law Library subscription!

As part of your subscription to the Law Library, you have access to ebooks on a wide range of legal topics. There are titles from LexisNexis, West Academic and the American Bar Association which you can access and read with ease from your home or office, via the website or app.

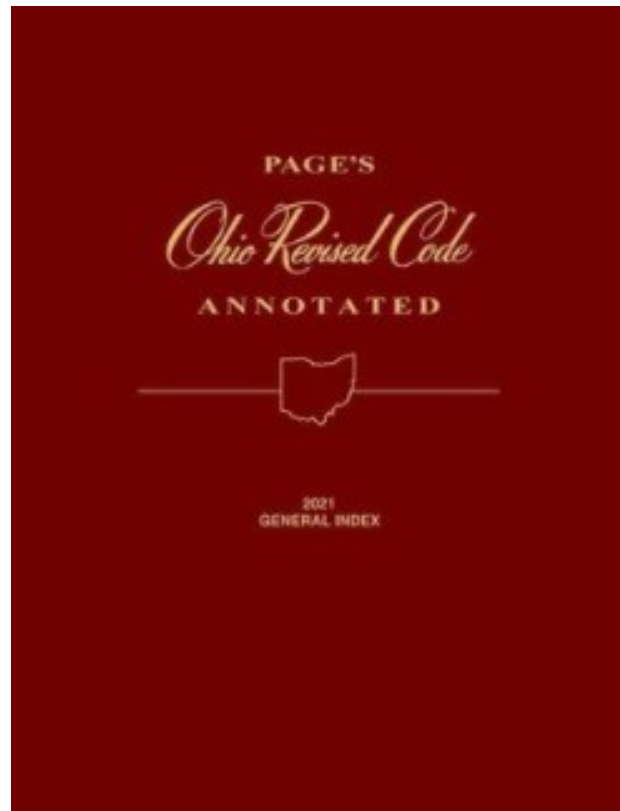
We've significantly expanded our Lexis titles on this platform.

A big new addition is **Page's Ohio Revised Code Annotated**. You can search the entire set or a particular volume by phrase or keyword and access the statute and all of the summary Notes to Decisions.

A more detailed list of the new content is available at this [link](#), but a few popular highlights include:

- Anderson's Ohio Criminal Practice and Procedure
- Ohio Evidence Courtroom Manual
- Weissenberger's Ohio Civil Procedure Litigation Manual
- Anderson's Ohio Civil Rules Practice with Forms
- Weissenberger's Ohio Evidence Treatise
- Weissenberger's Federal Evidence Courtroom Manual

To get started, simply log in to our website and follow the link to Overdrive (Lexis Digital Library). See Vanessa's [blog post](#) for more information about this content. And feel free to call or email us with any questions! 513-946-5300 or reference@cms.hamilton-co.org.



Topical Updates

We are excited to announce the new design of the Topical Updates for 2021. If you have not signed up before and would like to start receiving substantive bi-weekly updates in one or more practice areas, please visit the topical updates page on our website to sign up. You can select from the following areas of law:

Criminal
Employment
Estates and Trusts
Family Law
Intellectual Property
Pension Benefits
Real Estate
Tax
The Supreme Court & Con Law
Torts

If you have any questions about this please feel free to contact our Reference Librarian, [Amy Kurlansky](#).

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, Wolters Kluwer Cheetah™, Bloomberg Law®, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

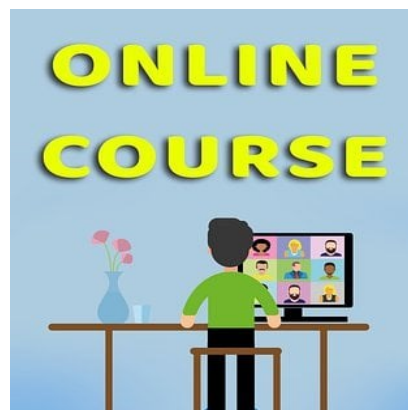
In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Wolters Kluwer Cheetah™

Upcoming CLEs—Live Interactive Webinars

September 2021

Update with Judge Josh Berkowitz

More details to come!



CLEs on Demand

The Hamilton County Law Library is proud to announce that the following self study CLEs are available in our on-demand library:

Elder Abuse Awareness (1.0 general hour in OH)

Medicaid Planning (1.0 general hour in OH)

Complex Appeals in Ohio (1.0 general hour OH)

Fastcase 7 (1.0 general hour in OH)

Mediation (1.0 general hour in OH)

2020 Employment Cases in the US Supreme Court (1.0 general hour in OH)

Trademark & Copyright Law in 60 Minutes (1.0 general hour in OH)

CHANGE Court (1.0 general hour in OH)

Legal Issues & COVID-19 (1.5 general hours in OH)

What Does Stress Have to Do With it? (2.5 hours professional conduct in OH)

Con Law Resources

Law Library subscribers have access to a variety of Con Law Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

The American's guide: comprising the Declaration of Independence; the Articles of conference; the Constitution of the United States

The Constitution and the Attorneys General
KF5406 .A62

The Constitution and what it means today
KF4550 .C64

The Constitution of the United States of America: a contextual analysis
KF4550 .T86 2009

The Constitution of the United States of American: analysis and interpretation
KF4527 .C66

The Constitution of the United States of America: analysis and interpretation. Annotations of cases decided by the Supreme Court
KF4525 1986

The Constitution
KF4525 1985

Constitutional law
KF4550 .N6 2010

Corwin on the Constitution
JA38 .C67

How to read the Constitution and why
KF4541 .W44 2019

A lawyer looks at the constitution
KF4550 .L37

Understanding the First Amendment
KF4770 .W43 2006

What the Constitution means to me
PS3569.C529174W47 2020

Online Resources

EBSCO

Court Review
Religious Freedom in Focus

HeinOnline

American Constitutional Law Reader
Constitutional Commentary
US Supreme Court Library

Overdrive

Constitution of the United States
Principles of Constitutional Law

Westlaw

The First Amendment: Freedom of Speech
First Amendment law Review
Freedom of Speech in the Public Workplace
Hastings Constitutional Law Quarterly
Modern Constitutional Law
Religious Organizations & the Law
Treatise on Constitutional Law—Substance and Procedure, 5th
Rutgers Journal of Law & Religion
Search & Seizure: A Treatise on the 4th Amendment
Seton Hall Constitutional Law Journal
Smolla & Nimmer on Freedom of Speech
United States Supreme Court Actions

Upcoming Events:

Monday, July 5, 2021: Library Closed, 4th of July (observed)

Thursday, July 8, 2021 at 10:30am, Hamilton County Law Library Resources Board meeting



July 2021 Law Library Newsletter

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